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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,527	10/13/1999	DAVID M. POTZOLU	2207/6926	7553
7590 04/12/2006				
JOHN C ALTMILLER KENYON & KENYON 1500 K STREET NW WASHINGTON, DC 20005		EXAMINER BURGESS, BARBARA N		
		ART UNIT PAPER NUMBER		
		2157		
DATE MAILED: 04/12/2006				

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**APR 12 2006**

**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/417,527  
Filing Date: October 13, 1999  
Appellant(s): POTZOLU, DAVID M.

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William E. Curry  
Reg. No. 43,572  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed

January 13, 2006.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-9 and 11-22 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6460070	TUREK et al.	10-2002
6119165	LI et al.	09-2000
6282563	YAMAMOTO et al.	08-2001
5852717	BHIDE et al.	12-1998
5832221	JONES, MARK ALAN	11-1998

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-5, 7, 9, 13, 15, 17, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (hereinafter "Yama", 6,282,563 B1) in view of Li et al. (hereinafter "Li", 6,119,165).

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As per claims 1 and 21, Yama discloses a method and set of instructions residing in a storage medium, said set of instructions capable of being executed by a processor to implement a method for providing functionality on a network, the network comprising the nodes, the method comprising:

- Moving an agent from a first device to a target device (column 1, lines 16-21, column 3, lines 15-17, column 4, lines 15-25, column 5, lines 20-23; The agent is moved from the first computer, which is a source, to the second computer, which is a destination computer);
- Re-routing relevant traffic to the target device (column 3, lines 2-7, 15-17, 51-56, column 4, lines 7-13, **55-57**, column 5, lines 1-5, 25-28, 43-55, column 6, lines 1-4, 8-10, 17-22, **26-29**, **53-55**, column 8, lines 15-21, 49-53, **58-59**, column 12, lines 27-41; The status of the second computer, which is the destination computer, is determined. Based upon the determination, the message is rerouted from the first computer, which is a source, to a temporary storage computer, and then forwarded to the second computer);

Yama does not explicitly disclose:

- Performing application layer gateway functionality by the agent at the target device.
- However, the use and advantages for an agent performing application layer gateway functionality is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 35-39, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent performing application layer

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gateway functionality in Yama's method in order to filter out material received at the client that may be in violation of security policy (Li, column 2, lines 20-32).

As per claim 4, Yama discloses a method of claim 1.

Yama does not explicitly disclose where the agent acts as a firewall. However, the use and advantages for an agent acting as a firewall is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 30-33, column 2, lines 20-23).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent acting as a firewall in order to filter out material received at the client that may be in violation of security policy.

As per claims 5 and 22, Yama discloses a method and set of instructions residing in a storage medium of claims 1 and 21.

Yama does not explicitly disclose where, to act as the application layer gateway, the agent:

- Accepts traffic (data stream) sent to the target device addressed to a client device;
- Performing at least one of filtering (function) the traffic (data stream) or modifying (function) the traffic (data stream);
- Sends the traffic (data stream) to the client device.

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However, the use and advantages for the agent filtering the traffic before sending to the client is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li.

Li discloses an agent monitoring and filtering the network for users attempting to view prohibited material from a website or violating security policies. If such actions occur, the agent may terminate the session or filter out specific traffic before sending to the client (column 2, lines 20-32, column 5, lines 39-41, 49-56). Therefore, Li implicitly discloses the agent accepting traffic sent to the target device addressed to a client device, performing at least one of filtering the traffic or modifying the traffic, and sending the traffic to the client device.

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent filtering the traffic before sending to the client in Yama's method to ensure that prohibited materials are not being passed to the client and increase security so that only specified users have access to certain information.

As per claim 7, Yama discloses the method of claim 1.

Yama does not explicitly disclose the agent, before performing application layer gateway functionality, installing a software module to aid in performing such functionality. However, the use and advantages for installing a software module is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 33-35, 44-45, 48-50, 61-63, 65-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate installing a software module in Yama's method in order to perform functions on the client and communicate with the agent bi-directional with information being transferred both ways.

As per claim 9, Yama discloses a network comprising:

- A plurality of nodes (column 5, lines 25-27, column 6, lines 40-45)
- A plurality of links connecting the nodes (column 6, lines 36-38, 42-43)
- A route device residing on one node of the network, the route device configured to divert to the mobile agent traffic relevant to the mobile agent (column 3, lines 2-7, 15-17, column 4, lines 7-13, 42-57).

Yama does not explicitly disclose:

- A mobile agent residing on a node of the network, where the mobile agent is able to function as an application layer gateway.

However, the use and advantages for an agent performing application layer gateway functionality is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 35-39, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent performing application layer gateway functionality in Yama's method in order to filter out material received at the client that may be in violation of security policy (Li, column 2, lines 20-32).



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As per claim 13, Yama discloses the network of claim 9.

Yama does not explicitly disclose where the mobile agent functions as a firewall.

However, the use and advantages for an agent acting as a firewall is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 30-33, column 2, lines 20-23).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent acting as a firewall in order to filter out material received at the client that may be in violation of security policy.

As per claim 15, Yama discloses the network of claim 9.

Yama does not explicitly disclose a software module installed on the node on which the agent is installed, the software module aiding in performing application layer gateway functionality. However, the use and advantages for installing a software module is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 33-35, 44-45, 48-50, 61-63, 65-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate installing a software module in Yama's method in order to perform functions on the client and communicate with the agent bi-directional with information being transferred both ways.

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As per claim 17, Yama discloses a method of providing a functionality on a network, the network comprising nodes, the method comprising:

- Moving an agent from a first device to a target device (column 1, lines 16-21, column 3, lines 15-17, column 4, lines 15-25, column 5, lines 20-23);
- Re-routing a relevant data stream from a source to the target device (column 3, lines 2-7, 15-17, 51-56, column 4, lines 7-13, 42-57, column 5, lines 1-5, 25-28, 43-55, column 6, lines 1-4, 8-10, 17-22, 26-28, column 8, lines 15-21, 49-53, 58-59, column 12, lines 27-41);
- At the target device, the agent accepting the data stream from the source (column 3, lines 51-56, column 4, lines 55-57, column 6, lines 25-29).

Yama does not explicitly disclose:

Performing a function on the data stream and passing the data stream to one of a set of client devices. However, the use and advantages for the agent performing a function on the data stream and passing the data stream to the clients is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 2, lines 20-32, column 5, lines 39-41, 49-56).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent filtering the traffic before sending to the client in Yama's method to ensure that prohibited materials are not being passed to the client and increase security so that only specified users have access to certain information.

As per claim 20, Yama discloses the method of claim 17.

Yama does not explicitly disclose where the agent acts as a firewall. However, the use and advantages for an agent acting as a firewall is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Li (column 1, lines 30-33, column 2, lines 20-23).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent acting as a firewall in order to filter out material received at the client that may be in violation of security policy.

3. Claims 2, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (hereinafter "Yama", 6,282,563 B1) in view of Li et al. (hereinafter "Li", 6,119,165) and in further view of Bhide et al. (hereinafter "Bhide", 5,852,717).

As per claims 2, 11, and 18, Yama, in view of Li, does not explicitly disclose the agent acting as a web cache. However, the use and advantages for an agent acting as a web cache is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Bhide (column 2, lines 2-7, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent acting as a web cache in Yama's method in order to reduce latency by saving round-trip times between

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computer network components and increase the performance of client/server communication by responding more quickly to requests.

4. Claims 3, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (hereinafter "Yama", 6,282,563 B1) in view of Li et al. (hereinafter "Li", 6,119,165) and in further view of Jones.

As per claims 3, 12, and 19, Yama, in view of Li, does not explicitly disclose the agent acting or functioning as a media transcoder. However, the use and advantages for an agent acting as a media transcoder is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Jones (column 1, lines 18-19, column 8, lines 45-46, column 9, lines 20-23, 29-31, 42-50, 58-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate an agent acting as a media transcoder in Yama's method in order for messages having multimedia programs to be converted and sent to the recipient of the message.

5. Claims 6, 8, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (hereinafter "Yama", 6,282,563 B1) in view of Li et al. (hereinafter "Li", 6,119,165) and in further view of Turek et al. (hereinafter "Turek", 6,460,070).

As per claims 6 and 14, Yama, in view of Li, does not explicitly disclose the agent automatically moving to a second target device and acting as an application layer gateway. However, in an analogous art, Turek discloses an agent deployed into the network to determine the cause and location of an event. The agent may arrive at a given node, but that node may not be the originator of the event. The agent then identifies a subset of nodes from the information received from the initial node and proceeds to those various nodes in search for the cause and location of the event (column 2, lines 47-50, 55-62, column 5, lines 46-53, 57-59).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the agent automatically moving to a second target device and acting as an application layer gateway in Yama's method in order to enhance the efficiency of the network by correcting the fault or event at the originating node.

As per claim 8, Yama, in view of Li, does not explicitly disclose the agent automatically uninstalling itself. However, in an analogous art, Turek discloses an agent deployed (installed) to a node and receiving information about an event, but moving (uninstalling) from that node, because the node did not originate an event, to another node that may be the originator (column 2, lines 47-50, 55-62, column 5, lines 46-53, 57-59).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the agent automatically

uninstalling itself in Yama's method because this would enable the agent to automatically diagnose and correct network problems without the need for a system administrator to manually correct the fault.

As per claim 16, Yama, in view of Li, does not explicitly disclose the agent automatically uninstalling itself. However, in an analogous art, Turek discloses an agent deployed (installed) to a node and receiving information about an event, but moving (uninstalling) from that node, because the node did not originate an event, to another node that may be the originator (column 2, lines 47-50, 55-62, column 5, lines 46-53, 57-59).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the agent automatically uninstalling itself in Yama's method because this would enable the agent to automatically diagnose and correct network problems without the need for a system administrator to manually correct the fault.

**(11) Response to Argument**

**Appellants argued in substance that:**

(a) Neither Yamamoto nor Li suggests "re-routing relevant traffic to a target device" [Appeal Brief pages 6-8].

In response, Applicant's argument filed has been fully considered but is not persuasive.

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Yama teaches a second computer, which is a destination computer (target device) in which the second computer (target device) receives an agent directly from the first computer (first device) [column 6, lines 53-54]. When the destination computer (target device) is not capable of receiving messages from the first computer (first device), the first computer (first device) would route the messages to the temporary storage computer [column 3, lines 2-4, column 8, lines 30-34]. When the destination computer (target device) is capable of receiving messages, then the message(s) would be re-routed from the temporary storage computer to the destination computer (target device) [column 4, lines 55-57, column 8, lines 58-59]. Therefore, Yama explicitly teaches "re-routing relevant traffic to a target device". Applicant asserts that Yama discloses traffic being re-routed to a destination device [Appeal Brief page 10, lines 22-25].

(b) Yamamoto at most discloses only re-routed away from a target (destination) device, not to a target device [Appeal Brief pages 9-10].

In response, Applicant's argument filed has been fully considered but is not persuasive. Yama teaches sending a message from a first computer (first device) to a destination computer (target device) through a temporary storage computer [column 3, lines 2-4, column 8, lines 30-34]. Therefore, Yama undoubtedly teaches "re-routing to" a target device.

(c) It cannot be said that the message in Yama has been "re-routed" to the destination device because the destination of the message has not changed [Appeal Brief page 9].

In response, Applicant is arguing a limitation that is not within the claim language. Therefore, this argument is not considered in the determination of allowability of the claims.

(d) Secondary reference Li is also silent as to "re-routing relevant traffic to the target device" as required by claim 1 [Appeal Brief page 11].

In response, Li is never relied upon for the teaching of this feature because Yama clearly teaches this feature as discussed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



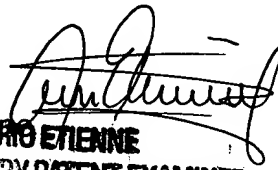
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Barbara N Burgess  
Examiner  
Art Unit 2157

March 28, 2006

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